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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,637	12/15/2003	Hsien-Chang Wu	CHU 237	2004
7590 10/31/2005			EXAMINER	
RABIN & BERDO, P.C. Suite 500 1101 14 Street, N.W. Washington, DC 20005			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,637

Applicant(s)

WU, HSIEN-CHANG

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment, filed 15 July 2005, has been reviewed and considered. In view of applicant's amendment and arguments, the specification objection and prior art rejections raised in the first Office Action are withdrawn. However, an updated search and further review of the prior art of record has prompted the following rejections.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latina (U.S. 3,576,036) in view of Fitzgerald (US Patent Application Publication 2004/0221365).

Latina discloses a conventional baseball glove 10 having a shell back, shell palm, a lining, a gusset, leather accessories, leather lacings, web and adjustable band. The Jepson format claim acknowledges that the elements recited before the recitation "characterized in that" (line 8) is prior art.

However, Latina does not disclose that the gusset is made from a ventilative material and sewed between two contiguous fingers of the shell back and shell palm.

Art Unit: 3765

Fitzgerald teaches a sports glove (Col. 1, lines 8-10) having gussets (26a-c) between two contiguous fingers joined to both the shell back and shell palm (paragraph 0019) for providing ventilation to the user's fingers thereby enabling the user's fingers and hand to be comfortable during use in hot climates (paragraph [0006]).

It would have been obvious to one of ordinary skill in the glove making art at the time the invention was made to provide gussets as taught by Fitzgerald between two contiguous fingers of the glove of Latina so as to provide ventilation to the user's fingers thereby enabling the user's fingers and hand to be comfortable during use in hot climates.

With regard to claims 2 and 5, the ventilative material is Neoprene (Col. 2, paragraph [0019]).

With regard to claim 4, the invention is disclosed in one or more of the above rejected claims.

4. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latina (U.S. 3,576,036) in view of Fitzgerald (US Patent Application Publication 2004/0221365) as applied to claims 1 and 4 above, and further in view of Wilder et al. (U.S. 5,787,506).

Latina and Fitzgerald disclose the invention substantially as claimed above.

However, they do not disclose that the lining has a plurality of ventilative pores.

Art Unit: 3765

Wilder et al. teaches a sports glove having a lining with at least one ventilative pore in the lining so that the user's hands and fingers will remain cool and ventilated during use (claim 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of ventilative holes as taught by Wilder et al. to the lining of the glove of Latina so as to ensure that the hands and fingers of the wearer remain cool and ventilated during use.

### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chong '877, Julianelli et al. '688, Widdemer '552, Kawada '275 and Stanley et al. '122 disclose a sports glove having ventilative gussets between two contiguous fingers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw